

THE INVISIBLE PEOPLE

By

Alvin Boretz

A True Story

"THE INVISIBLE PEOPLE"

Robert Hayes was always a little embarrassed when he had to tell people he lived in Green Acres. It sounded so obvious, so American dreamish and middle class. Though in his adolescent years, he took on the coloration of this small Long Island community, he never lost a lingering sense of disquiet.

His unfailing loyalty to his widowed, church going mother reduced whatever doubts he felt into a minor key and he rode the competitive surge of high school and college right through honors at law school. When Sullivan and Cromwell, one of the nation's most prestigious law firms, hired him as an associate, Green Acres could claim another success story.

Robert Hayes' future stretched out before him as if computer programmed. It would be eminently successful and predictable. Without doubt... one big, vast Green Acres. He was twenty five when life intruded.

He had seen them like most everyone had. Men and women sleeping in doorways or huddled behind pieces of cardboard. Derelicts, skid row bums, tramps. The language had a dozen terms to accomodate them. They were part of the urban landscape and their most distinguishing feature was that no one ever really looked at them. Hayes was no exception.

Each morning, his office clothes folded neatly into a knapsack slung over his back, he would jog downtown to Wall Street. Varying his routes, he would sometimes cut through the Bowery. When he had to be in especially early, he would come across people who had sought

shelter in the downtown plazas. This early March day was like any other except that Hayes finally saw the face of a homeless man. Saw his eyes, the color of his hair, the mismatched jacket and pants, the long, pale fingers. In death, the invisible man was at last seen.

Hayes called an ambulance and stood vigil like a mourner until it came. The rest of the day he was back with the antitrust and securities cases, treading on the soft beige carpeting in the hushed offices of Sullivan and Cromwell and lunching with one of the senior partners in the lofty aerie of the man's private club. He was Hayes' mentor.. a situation much envied by the other young associates.

He spent that night telling Helen Schaefer what he had seen. They had met in law school and she had a promising career of her own. They had been going together for a few months now and there was active discussion about living together provided he could find a way to hide it from his mother. Since she often stopped off at his apartment when she came into the city for mass, it would take ingenious planning.

Something had been sprung in Robert Hayes. He had discovered that the dead man wasn't a Bowery bum or drunk, as myth would have it. He was a man out of work and out of money with no place to live.

Hayes' anger infected Helen. She had always admired his mind. Now she admired his passion. That a human being should freeze to death on the streets of the world's greatest city was a revelation impossible to endure. While their friends were at the movies or a disco, Robert Hayes and Helen Schaefer began exploring the underside of the city.

When his mother found out where he was spending his spare time, she advised him not to get too close to those people. He argued

that most of them were people who had been thrown out of apartments by landlords converting to luxury housing while others just couldn't find work. The state had emptied out its mental hospitals and many were reduced to wandering the streets.

Mrs Hayes were pleased with her son's Christian spirit and that was as it should be, she declared. But it wasn't really anything for him to deal with. That was for the government and the charity people. And she again reminded him that those poor unfortunates often were carrying things around and it would be wise to be careful.

But he couldn't let go. And yet what could he do to affect the problem. He'd found out that there were close to forty thousand homeless wandering the street. A kid lawyer like him? Don't try to change the world, his mother had said. It can only break your heart. Even the Salvation Army and the city fathers had admitted it was like trying to hold back the tide.

He gave in to the hopelessness of it and turned to youthful pleasures after five and corporate law before. Helen Schaefer understood and they made plans for her to move in at the end of the month. But only a week later he missed a fly ball in center field and the Sullivan and Cromwell softball team lost to Fried, Harris, Shriver and Frank in the Central Park league. He had missed the fly ball because his mind was obviously floating in another time and place.

The next week he closeted himself in the office law library after work. The partners were pleased. Young Hayes was outdoing himself as a tired and devoted worker. A born scholar of the law. His mentor invited him to lunch again and discussed an important case to which

he was assigning him for research.

Hayes waited until the dessert and then made his request. Every law firm has to do a certain amount of pro bono work and Hayes wanted to do something about the homeless people on the streets. He told what he had seen and what he now knew. The remedy lay in the law and he had found what he believed to be the basis for the lawsuit in the State Constitution.

The partner had no objection to the pro bono work. As a firm dealing with multi-national corporations it looked good for the record. Hayes had the feeling he was being humored but he was smart enough to take what he could get. He was also reminded that the pro bono work was to be done on his own time. His primary case was the one to which he had been assigned. It was a fine opportunity for him, he was further reminded. He would meet some outstanding legal talents and important clients. The exposure would be invaluable.

Satisfied he had made his point, the partner reminded Hayes he needed a homeless man to bring the lawsuit. And the older man offered some advice. The case would be decided on the facts and on the law but though the record would never show it, the choice of plaintiff was vital. His court appearances....his manner....his life....would be a strong influence on the judge.

That night, Hayes recounted it all to Helen Schaefer. Out of forty thousand people, he had to find the right man. She listened patiently but then asked for equal time about ideas she had to redo the apartment. Their friends were to help her move. He was hardly listening. She got his attention by kissing him.

He figured out the kind of man he needed to bring the suit. A likeable man who would be able to handle himself on the witness stand. Not a drifter but someone who had made a life and was down on his luck. Robert Hayes would know the man when he saw him.

In the meantime, he started a schizoid existence. From the polished precincts of corporate law during the day to the flophouses and secret places of the homeless at night.

He would change from the clothes of the Wall Street lawyer to a homeless man in need of shelter. For he knew he could only find his man by becoming one of the homeless.

Helen worried about him. She had read all sorts of horror stories about the Bowery and her Robert was a boy from Green Acres. He was smart but he would be a stranger in that world and the first night he failed to come home, she was frightened.

But if Robert Hayes had any innocence left, his nights among the homeless took care of it. And he wasn't even a novelist taking notes, he thought. All he was there for was to find his man. So he lived with men in the flophouses, the soup kitchens, the municipal lodging house, men who rode the subways all night. He told no one who he was but he talked about picketing City Hall..starting a protest. They thought he was either drunk or crazy. But then he started hearing a name..Callaghan, the Mayor of the Bowery. Someone remembered that he had once organized a rent strike(fifty cents a night) at a flop house and the police had been called to lock up him and his friends. Hayes went looking for Callaghan.

†

He kept missing him. But at every place he went, he was directed somewhere else. There were the hot air vents outside Con Ed where a man

could keep warm all night. Callaghan had been seen there at the beginning of the week. Maybe it was suggested, he was staying in the steam tunnels that run from Grand Central Station beneath Park Avenue.

And so Robert Hayes made his way into a subterranean world searching for Callaghan. He found men who had set up housekeeping near the huge pipes, tapping into them for hot water and even a shower ingeniously jury-rigged by a former mechanic. But the only signs of Callaghan were magazines and newspapers which he had gotten from his forays into the parked trains.

Hayes' curiosity about Callaghan was growing. It seemed everyone had a story about him. There was the abandoned apartment house where he had managed to hook into the gas and electric lines of another building. And there were the moving vans where he had talked the drivers into letting him and a few friends sleep on the soft mats when the trucks were parked for the night. He also had a list of coffee shops, fast food counters and concessions stands where the owners would give him their leftovers which Callaghan always distributed. He had used a little subtle blackmail in extracting this "generosity" when he arranged for some of the more shabbily dressed homeless men to enter the stops and stand around. Worried about offending their customers, the owners quickly agreed to his suggestion for discouraging their presence.

One night, when it seemed that Callaghan had disappeared from the New York scene, Hayes found himself at the Bowery Mission where, he had been told, Callaghan sometimes showed up when he needed a hot meal. But this night seemed doomed to frustration when the service began and there was no sign of anyone who resembled Callaghan. But just when the sermon was about done, after which the food would be served.

Hayes caught sight of a slim man with a fedora hat slipping in through a side door when the minister's attention was being directed elsewhere.

Moments later, when he joined the food line, the new arrival complimented the minister on the service. He was of course, Callaghan, as Hayes was to find out a few moments later. Observing him, he found him a man given to easy laughter and not without a certain charm. That he was resourceful had now been established beyond all doubt.

Taking him aside, Hayes invited him for some food in a nearby restaurant but Callaghan was satisfied with the cuisine at the mission. And besides, it would hurt their feelings if they walked out. The minister and his good people got a special joy out of feeding the those who were down and out.

Between courses, Hayes told Callaghan of his plan to have a homeless person bring suit to force the city and state to obey the law and to furnish shelter for anyone who needed it. Callaghan was amused. The Mayor of the Bowery against the Mayor of New York. And since the Governor was an Irishman, it seemed only natural that one Irishman should beat up on another.

"Then you'll do it," Hayes asked.

Callaghan hesitated. He wanted to talk to a few friends. It wouldn't do for just one man to sue. As Hayes listened in growing surprise, Callaghan began to reel off a well reasoned and logical strategy. This was no defeated, self pitying derelict. This was a realistic, thinking man who simply tried to make the best of a difficult time and situation. Hayes was encouraged. He knew Callaghan would be hard to deal with for he was a man with definite opinions, one of which was that taking on the city and state would get them nowhere except give

them all a hell of a ride. He asked for Hayes' address, said he would get in touch with him and then disappeared into the night, apologizing that he had to get his shelter before someone beat him to it..

Days went by and Hayes couldn't get Callaghan out of his mind. He told Helen about him and she said, not to worry...that he'd show up again some day. And when he described Callaghan to his mother, she said his Irish charm sounded like that of Robert's own father, except, she was quick to add...he'd have never gotten himself into a sad situation like that.

What troubled Mrs Hayes was that Robert was going on with it. She had hoped it would have been just a passing fancy. She was concerned that his law firm wouldn't look too kindly at what he was doing. Robert assured her but it fell on deaf ears.. She saw only trouble ahead.

More days and still no word from Callaghan. His mentor asked, in passing, how the suit was going. Hayes had to make excuses.

Helen had moved in by now. She was happy. The night of New York's first snow of the season, she snuggled next to Hayes....and was warm. They were just about falling asleep when they heard the knocking at the door. He answered it. Callaghan was in the doorway. He'd come to talk about the case. A few moments later he suggested he might like to stay there that night. He hadn't been able to find shelter.

In the bedroom Helen held a whispered conference with Hayes. She didn't like the idea of him staying there. They didn't even know him. Hayes protested they couldn't turn him away in a blizzard. Besides, he was probably testing him....to see if he could trust him.

He stayed. And the next morning, Callaghan showed up at the offices of Sullivan and Cromwell with three of his cronies. No one dressed in their state of dishabille had ever put in an appearance in these austere premises and Hayes had to hurry from his office to avoid their being thrown out. Several Wall Street types had already moved to the other side of the waiting room at their arrival.

In their conference, Hayes explained his plan and Callaghan constantly made suggestions. When Hayes finally became irritable, it was the three friends of Callaghan who sprang to his defense and said they would look for another lawyer. Callaghan calmed them down and reminded them there was no other lawyer. Hayes was about the best they could get now and the young man was volunteering his services so why didn't they try him for awhile.

By now, Hayes knew Callaghan was no fool. He had been testing him in the conference in order to establish his identity and presence. His pride would permit no less. Also, he had planned to stay at Hayes' apartment that night and wanted a decent reception.

When Helen came home from work, she found Callaghan in the kitchen, cooking. He stayed for a week and as Hayes had predicted to her, Callaghan said the weather had improved and he'd be able to sleep elsewhere. Hayes had become fond of him and didn't want him to go. It led to a fight between him and Helen and was the beginning of a conflict they would be unable to resolve.

Hayes filed the suit in State Supreme Court and promptly got hit with a legal avalanche. If by some miracle, they would lose,

both the City and State would be liable for millions of dollars in construction and services in order to provide proper shelter. Both the State Attorney General and the City's Corporation Counsel were his opponents. It was David versus Goliath and Goliath began scoring points in rapid profusion.

There were postponements, legal objections and lost papers. The long delays began to have their effect. Robert Hayes started to question himself. He had made a commitment to Callaghan and his friends. Had raised their expectations. If he failed, it would only be more rejection on top of that they had already endured. Maybe he shouldn't have started the whole thing. He was taking on the whole apparatus of government.

He took to spending more time on the streets. His relationship with Helen grew more strained. One night he came home and she was gone. He read the note. Later that evening, he ran himself into exhaustion and even then, found it hard to sleep.

Thanksgiving came. He invited his four plaintiffs for a turkey dinner at his apartment. He was getting cooking instructions from his mother on the phone when the water pipe in the cellar broke and his faucets ran dry. Callaghan organized his friends into a bucket brigade carrying water from the corner fruit and vegetable store. He also helped finished cooking the turkey.

There was argument inside Robert Hayes' firm that perhaps his pro bono work would cause some harm. The case was offending both City Hall and Albany. Hayes' mentor defended him and told his partners that the suit had finally been scheduled for trial. If Hayes somehow won, it could only help the firm for it would be an extraordinary victory.

The night before the trial, Callaghan came to Robert Hayes' apartment. He was quiet. Very much unlike himself. He knew that he would be called to the stand and his life revealed. It was a painful scene for both men for Callaghan knew of course that he had been a failure. He could live with it but revealing it to the whole world was too hard. He didn't think he could take the stand as they had agreed.

Unaware of what was happening, the two men begin slipping into a feeling that could exist only between father and son with Robert Hayes giving the older man a love that he really felt...a love that had been denied him by the early death of his young father. Trusting in the boy, Callaghan agreed to go ahead.

Word had spread about the case and the courtroom looked as if Frank Capra had cast most of the spectators. Even a few bag ladies showed up and Hayes recognized many of the men he had seen in the preparation of his case.

The Attorney General and the Corporation Counsel threw up reasoned and strong precedents and Hayes responded with well researched constitutional arguments. But the key lay in Callaghan and finally, he was called to the stand.

Robert Hayes knew the risk he was taking...for he had talked Callaghan into appearing. He had done it for he needed him but he was fully aware that if Callaghan faltered, it would be a devastating blow to his friend. That the man would lose whatever dignity he had managed to retain.

Step by step, Robert Hayes took Callaghan through his life. His Army days in Italy...his jobs...his illness and the girl who left him because he was ill. Despite angry objections from the Attorney

General, Hayes managed to keep Callaghan on the stand and the charm that had always manipulated him, got to the Judge...a black man who responded to Hayes' argument that society was blaming the victims. And as the Judge wryly remarked, it was a situation not unknown to him. When Callaghan was cross examined, he rose to the challenge and turned aside all of the government's charges and accusations. In one exchange, where it was suggested that remedies were already on the books, Callaghan explained that he couldn't get unemployment insurance because he couldn't find a job in the first place. And he couldn't get welfare because he had no fixed address. And he had no fixed address because he was out of work and broke. Yes, Capra would have loved it.

The Judge's decision would take time. To thank Callaghan and his friends, Robert Hayes took them all to dinner. He noticed that Callaghan didn't seem too well and made him promise he would check in at St Vincent's Emergency Room. He gave him the name of a doctor for whom he was to ask.

He was still waiting for the decision when he met Helen in a law library. They chatted for a moment...she asked about the case and wished him luck. They vaguely promised that each would call the other.

He called the Judge's clerk. Still no word. His mother was coming into the city for mass at her favorite church and he arranged to meet her at Penn Station and spend the evening with her. When he caught sight of her, she was walking into a bread store. He moved toward it and heard the manager ordering a homeless man to get out. The man ^{he} quietly protested that/had enough to buy a bagel but again he was

ordered out and reviled. Hayes heard his mother angrily remonstrating with the manager that he was talking to a human being and she ought to report him. She then ordered him to sell the man the bagel, after which she bounced the coins onto the counter.

Hayes smiled. He had won at least one victory.

Still no decision and the time dragged on. It was hard to concentrate on his current assignment of helping to defend the Exxon Corporation. Hayes was worried. It was taking too long.

Jogging to the office one morning he ran by Madison Square Garden and found homeless people, who had been sleeping in the doorways, being rounded up by the police. What have they done, he asked of a cop. The reply was that a big convention was coming to town and the Mayor's office had given orders to clean up the derelicts so as not to give a bad impression of the city.

Changing into his clothes in a nearby washroom, a trick he had learned from homeless people, he hurried to court and fought to get the arrested men and women released.

When he got down to Sullivan and Cromwell, there was an angry message from the senior attorney with whom he had been working on Exxon. There was also a message from the clerk of the Judge who had presided over the trial. He called. The case of Callaghan v. Carey had been decided for the plaintiffs. The right to shelter, as Robert Hayes had argued, had been established.

Robert Hayes went looking for Callaghan. He was nowhere to be found. Not in the steam tunnels, the abandoned building, the Bowery Hotel where he sometimes stayed nor any of the many hiding places Hayes had come to know. It wasn't until he ran into one of the men who had

been to his apartment for Thanksgiving that he learned about Callaghan.

Hayes went to the morgue. The man who had defeated the Governor of New York in a historic case had died of exposure.

At the Holy Name Mission, a mass was held. Robert Hayes' mother was there. He still remembers the man wearing a cast off overcoat several sizes too big offering the priest a dollar fifty to buy a mass card for his friend Callaghan.

But it was the eulogy given by Robert Hayes that all who were there, still remember. He told them that the Judge's decision was now known as the Callaghan Decree. That all over the country, similar cases were beginning. Callaghan and his friends were no longer invisible people.

A month later, Robert Hayes resigned from Sullivan and Cromwell. His career as a corporation lawyer was over. From now on, he would devote himself to the homeless.

-*-

Note: Robert Hayes is now with the Coalition for the Homeless. A large movement to help the homeless has begun in New York. Community and religious groups are beginning to take care of their own. Hayes deserves a great deal of credit for this movement.